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Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

VICTOR VOLOVNIKOV,)	No. C 07-3607 EDL
)	
Plaintiffs)	
)	
v.)	
)	
Department of Homeland Security,)	
MICHAEL CHERTOFF, Secretary;)	JOINT CASE MANAGEMENT
U.S. Citizenship and Immigration Services,)	STATEMENT
EMILIO T. GONZALES, Director; U.S.)	
Citizenship and Immigration Services,)	
ROSEMARY MELVILLE, San Francisco)	
District Director; United States Attorney)	
General, PETER D. KEISLER;* ROBERT)	
S. MUELLER, III, Director of the Federal)	
Bureau of Investigation,)	
)	
Defendants.)	

1. Jurisdiction and Service: There are no issues concerning personal jurisdiction or venue. Plaintiffs brought this Complaint under 28 U.S.C. §§ 1331 and 1361, the Administrative Procedure Act, and 8 U.S.C. §§ 1421 and 1447(b). All parties have been served.

2. Facts: On June 21, 2005, Plaintiff applied for naturalization. On November 15, 2005,

*Pursuant to Fed. R. Civ. P. 25(d)(1), Peter D. Keisler is substituted for his predecessor, Alberto Gonzales, as the United States Attorney General.

JOINT CASE MANAGEMENT STATEMENT
 C 07-3607 EDL

1 Plaintiff was interviewed by the U.S. Citizenship and Immigration Services. Plaintiff's name check
 2 is still pending with the Federal Bureau of Investigation. On June 29, 2007, Plaintiff filed the instant
 3 Complaint. Defendants were properly served on or about July 5, 2007.

4 3. Legal Issues: The principal legal issue the parties dispute is whether the Court should
 5 render a decision on his naturalization application in the absence of a completed name check.

6 4. Motions: None.

7 5. Amendment of Pleadings: None.

8 6. Evidence Preservation: None.

9 7. Disclosures: The parties agree that this Court's review will be confined to the
 10 administrative record and therefore this proceeding is exempt from the initial disclosure
 11 requirements under Fed. R. Civ. P. 26.

12 8. Discovery: There has been no discovery to date and the parties believe this matter can be
 13 resolved without discovery. No experts will be designated.

14 9. Class Actions: Not applicable.

15 10. Related Cases: None.

16 11. Relief: Plaintiff asks that the Court hear his case and render a declaratory judgment that
 17 he is entitled to be naturalized. This case does not involve damages.

18 12. Settlement and ADR: The parties filed a Joint Request to Be Exempt From Formal ADR
 19 on September 21, 2007.

20 13. Consent to Magistrate Judge for All Purposes: The parties have consented to assignment
 21 of this case to a United States Magistrate Judge.

22 14. Other References: None.

23 15. Narrowing of Issues: None.

24 16. Expedited Schedule: The parties believe this matter can be solved through motions.

25 17. Scheduling: The parties suggest the following dates:

26 Last day for Defendants to file Motion to Remand: November 20, 2007

27 Last day for Plaintiff to file Opposition: December 4, 2007

28 Last day for Defendants to Reply, if any: December 11, 2007

1 The parties request the Court to take the matter under submission without oral argument.

2 18. Trial: Should the Court deny the motion to remand, the parties request the court to
3 schedule a further case management conference to schedule a hearing date on Plaintiff's application
4 for naturalization.

5 19. Disclosure of Non-party Interested Entities or Persons: None.

6 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this
7 matter: None.

8 Dated: October 16, 2007

Respectfully submitted,

9 SCOTT N. SCHOOLS
10 United States Attorney

11 /S/
12 MELANIE L. PROCTOR¹
Assistant United States Attorney
Attorneys for Defendants

13 Dated: October 16, 2007

14 /S/
15 MONICA KANE
Attorney for Plaintiff

16 **CASE MANAGEMENT ORDER**

17 The Joint Case Management Statement and Proposed Order are hereby adopted by the Court
18 as the Case Management Order for the case, and the parties are ordered to comply with this Order.

19 Dated:

20 ELIZABETH D. LAPORTE
21 United States Magistrate Judge

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27
28 ¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any
signatures indicated by a "conformed" signature (/S/) within this efiled document.